

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

Con.Case(C).No. 1590 of 2007(S)

AGAINST THE JUDGEMENT IN WPC.10148/2007

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PETITIONER

THE PATTANAKKAD GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY, PATTANAKKAD P.O.,
CHERTHALA.

BY ADV. SRI.J.OM PRAKASH

RESPONDENTS

1. DAYANANDA BABU,
SANTHAVILASAM, PATTANAKKAD P.O.,
CHERTHALA.

*ADDL.R2. THE TALUK SURVEYOR, TALUK OFFICE, CHERTHALA.

*ADDL.R2 IS IMPEADED SUO MOTU AS PER THE ORDER DATED
12.12.2007.

R1 BY ADV. SRI.S.SANTHOSH KUMAR

R2 BY GOVT. PLEADER MR.K.J.MOHAMMED ANZAR

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION
ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C. KURIAKOSE,J.

Cont. Case (C)No.1590 of 2007

Dated: 12th December, 2007

JUDGMENT

The allegation in the Contempt Case is that the 1st respondent in the Contempt Case who is the 1st respondent in the Writ Petition has not paid the batta which was payable to the Taluk Surveyor Cherthala as a result of which the measurement is being delayed. The objective of the 1st respondent, according to Mr.Om Prakash, counsel for the petitioner is only to delay the matter. Mr.S.Santhoshkumar appearing for the 1st respondent who has filed a detailed counter affidavit, does not agree. According to him, the 1st respondent is always ready to pay the amount claimed by the Taluk Surveyor. It was only because the Taluk Surveyor did not inform him as to what is the correct amount payable that the amount could not be paid. Considering the above submission, I am of the view that it may not be proper to initiate contempt proceedings against the 1st respondent. I dispose of the Contempt Case directing the 1st respondent to approach the additional 2nd respondent-Taluk Surveyor with a copy of this order seeking information as to what is the amount to be deposited by him as batta. The information will be conveyed to the 1st respondent by the additional 2nd respondent and thereupon the 1st

respondent will remit the amount without fail. The Government Pleader is directed to issue necessary instructions in the matter to the additional 2nd respondent. The additional 2nd respondent is directed to ensure that the measurement takes place at the earliest, if necessary, by obtaining the survey plan from the Director's office at Trivandrum.

srd

PIUS C.KURIAKOSE, JUDGE